

**FILED**  
U. S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Eastern DISTRICT OF TEXAS  
Beaumont DIVISION

SEP 24 2021

Larry Dennett Gibbs #2066645  
Plaintiff's Name and ID Number

BY  
DEPUTY \_\_\_\_\_

Gib Lewis  
Place of Confinement

CASE NO. 1:21cv484  
(Clerk will assign the number)

v.

Jackson  
Defendant's Name and Address

Jared C. O'Neal  
Defendant's Name and Address

Tx Department of Criminal Justice  
Defendant's Name and Address  
(DO NOT USE "ET AL.")

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**INSTRUCTIONS - READ CAREFULLY**

**NOTICE:**

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES ☒ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: \_\_\_\_\_
  2. Parties to previous lawsuit:
   
Plaintiff(s) \_\_\_\_\_
   
Defendant(s) \_\_\_\_\_
  3. Court: (If federal, name the district; if state, name the county.) \_\_\_\_\_
  4. Cause number: \_\_\_\_\_
  5. Name of judge to whom case was assigned: \_\_\_\_\_
  6. Disposition: (Was the case dismissed, appealed, still pending?) \_\_\_\_\_
  7. Approximate date of disposition: \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT: Gib Lewis unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Lacey Donnell Gibbs Gib Lewis unit  
777. 7m. 3497 woodville TX 75990

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Last name only: Jackson see Stiles unit for Full Name Date:  
3-21-20 Address 3060 7m. 3514 Beaumont TX, 77705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Failure to Render Aid while I was being stab until Almost 45 minutes later

Defendant #2: Last name only (Maton): see Stiles unit for Full Name Date:  
3-21-20 Address 3060 7m. 3514 Beaumont TX, 77705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Failure to Render Aid. (Abandoned) duty post didn't return until (45) minutes later.

Defendant #3: Jared C. oneal (Sergeant) Stiles unit 3060 7m. 3514  
Beaumont TX, 77705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

ordered an unnecessary use of force. (Grap) me while laying on floor and left.

Defendant #4: John L. Ruffin (Officer) Stiles unit 3060 7m. 3514  
Beaumont TX, 77705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

(Stamp) And (beat) me during (2) unnecessary And excessive uses of force.

Defendant #5: Joe Thomas (Officer) Stiles unit 3060 7m. 3514  
Beaumont TX, 77705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

(Stamp) And (beat) me during (2) unnecessary And excessive uses of force.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

ON (3-21-20) while At My Assigned Job on (Seven building) I was Jump and Stab nine times (no officer) Render Any Aid until Almost (45) minutes later Jackson Assigned to Helping Picky did not Move from his Seat for Almost (45) minutes when the P.D. 29 "Clearly states that he were to Remain (Alert) and Devote his Full (Attention) to his post He Failed to do so And Motion (Abandoned) her duty post the (D-space) And Didn't Returned until Almost (45) minutes later. During the Assault I lost A Significant Amount of Blood. days later on 3-30-20 medical found out that My (HGB) was (5.1) I received Bleed out and died. An Inmate stop the Attack and save my life because of the officer's Negligence my life was put in unnecessary danger. See Attachments

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I became Anemia from the lost of blood during the stabbing. I'm Asking for one million dollars And the officers Fire. (And) one million dollars from the use of Force And the officers Fire.

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

(Gibbs), (Memphis), (J. Rock)

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

(2066645) TDCJ # And (50701252) SID #

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? YES NO

Date: September, 18, 2021

## Statement of Claim

RE:

("2nd") Incident that Incident 1. led to.....

on (8-25-20) After the Assault on Seven building I Filed a Complaint Not long After officers started Retaliating against Me. My Stolen property was never Replace which I Filed on. Furthermore I was beaten Repeatedly during (unnecessary) and (excessive) uses of force which I Also Filed on. "one Around July 15th, 2020 officers (Ruffin) and (Thomas) was Involved in but blame it All on officer (Martin) who was later Fired. when I saw (warden) Newton I told him what happen later that day Ruffin and Thomas threaten Me which I Filed on And Ask to be transferred. A Month later Thomas and Ruffin with sergeant Oneal And others beat And Gas me while I was laying on the floor Asking for Medical help. Oneal ordered the Assault After I inform him that I was Attack by some Crips which shouldn't have happen because I was under (OP I) unit transfer, but oneal sent me to medical with out An escort. He refused to Report the Assault which I told him I would File on. in Retaliation I was Gas oneal did not Report the (use of force). Second shift officers "found Me in" Cell (12-E-13) And called An I.C.s Medical Arrived and contacted Lieutenant Patricia L. banks who contacted (Sergeant) Jalen R. Dumas and ordered him to document and Report my injuries photos was taken afterwards I was sent to the hospital via (EMS).

("3rd") Incident" on 8-30-20 because of my injuries I wasn't sent back to stiles. Instead I was transfered to Betoil infirmary After Discharged from Hospital: Injuries were: excessive swelling, Traumatic Hematoma of the head that provoked A (seizure) which resulted in post-seizure paralysis which I'm still Recovering from As of today. A year After the Assault on seven building I was sent back to stiles unit on (9-3-21) The fact that crips on stiles Almost Killed Me was Ignored As was the fact one of the (guys) that Attack Me on 3-21-20 was still on (stiles). A day After I Arrived on 9-4-21 I was Attack by Another crip. I Reported it to (STG) sergeant C. Espinoza. And later on that day. my listed (enemie) was transfered off stiles the following Day on (9-5-21) Major D. Turubiate contacted (warden) C. Norworthy And got Approval for A Emergency transfer for Me. My Life have Been put in Unnessary Danger on stiles unit Not once but three times.

Statement of Claim  
And  
Relief

RE:

Please Appoint Me An Attorney, I can not Afford one.

I pray that said Court Acknowledged my injuries, pain And Suffering And the fact that All could've been prevented if not for TDCJ, negligence. I wouldn't be in this (wheelchair.)

I Also pray said Court insure that I'm not sent back to Stiles unit due to imminent danger And the fact I've been Assaulted by the Crips twice. once on 3-21-20 And on 9-4-21

the stabbing on 7-building 3-21-20 cause (Anemia) And the (Assault) on 8-25-21 case (post-seizure paralysis) which I'm waiting on (P.T) for trying to recover which is hard because I'm been transferred from unit to unit due to retaliation from (Medical) And (Officers) I'm Asking said Court for help And A (million dollars) one for (3-21-20) And one for (8-25-20) And A (million) for 9-4-21 when I was sent back to Stiles And Attack Again by the (same Gang) that stab me, on (3-21-20)

Attachments: (4, pages), plus (two) Step 2 (Grievances)

Jay Lin #2060645

Gib Lewis unit

777. P.m. 3497

Woodville TX. 75990

" (Payment) will take up to (12) weeks before Prison Releases it. "  
Date. (9-21-21),



C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date warning was issued: \_\_\_\_\_

Executed on: \_\_\_\_\_

DATE

\_\_\_\_\_  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

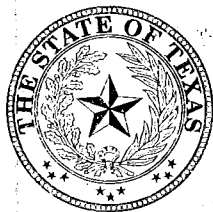
1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 21 day of September, 20 21.  
(Day) (month) (year)

\_\_\_\_\_  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**

APR 13 2021



Texas Department of Criminal Justice  
**STEP 2**  
**OFFENDER**  
**GRIEVANCE FORM**

## OFFICE USE ONLY

Grievance #: 2021003873UGI Recd Date: OCT 26 2020HQ Recd Date: OCT 29 2020Date Due: 12-5Grievance Code: 000 800 TPInvestigator ID#: 1074210964

Extension Date: \_\_\_\_\_

Offender Name: Larry Gibbs TDCJ# 2066645Unit: LeBranche 10 Housing Assignment: 4-3-18Unit where incident occurred: Stiles 5H93

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

Stiles states that there is NO evidence of an Assault but there are photos that Lt. (Banks) had taken of me in the presence of Sgt (Dumas) if these photos are gone the Hospital took some as well as a (MRI). That shows (excessive swelling) resulting from an Assault. Lt Banks said before I went to the Hospital that this incident will try to be cover up. But the fact I was Assaulted cant be denied. I am asking that the officers be held accountable oneal Gas me while I was laying on the floor asking for medical 8-25-20 Time Between 2:00pm - 6:00pm After the fact he left and Return with a team two of the officers with him (thomas) and (Ruffin) was the same ones back in July with martin around the 15th slam me on the floor during an (excessive use of Force). In which martin was later (fire) for but not (Thomas) or (Ruffin) and on 8-25-20 they beat me again. Before the use of Force earlier Between 8:00am - 12:00pm there was an ~~incident~~ incident between other inmates and me. I told oneal but nothing was done and because I was (OP I) I suppose to had been escorted At All times. Because I wasn't what happen like the excessive Force happen on oneal watch. He ignored my complaints and denied me medical Attention instead he (Gas) me. I was beaten and left for dead 2nd Shift found me. Cameras dont work on (E-wing) so this Incident is being cover up but me walking with out an escort is seen on 12-Building hallway on camera.

I-128 Front (Rev. 11-2010)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Appendix G



And alone with the fact I stated that my complaints was denied and Refuse. likewise In (Step-1) I spoke of the excessive use of Force and me being (Gas) while laying on the Floor Asking for medical in step 1 it was not responded to. Also officers (Thomas) and (Ruffin) stomp me again like they did on July 15th. Retaliating.

Offender Signature: Jay Ghe

Date: 10-23-20

Grievance Response:

This issue has been reviewed by the Office of Inspector General and that office has determined that there is insufficient evidence to warrant opening a case. No further action will be taken.

Signature Authority:

J. Riley

J. RILEY

Date: MAR - 5 2021

Returned because: *\*Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

#### OFFICE USE ONLY

##### Initial Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

##### 2<sup>nd</sup> Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

##### 3<sup>rd</sup> Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



Texas Department of Criminal Justice

# STEP 2

## OFFENDER GRIEVANCE FORM

Grievance #: 2020099783  
 UGI Recd Date: MAY 06 2020  
 HQ Recd Date: MAY 08 2020  
 Date Due: 6-15  
 Grievance Code: 815  
 Investigator ID#: 12701  
 Extension Date: \_\_\_\_\_

Offender Name: Larry Gibbs TDCJ# 2666645  
 Unit: Stiles Housing Assignment: 11-PHD-6  
 Unit where incident occurred: Stiles

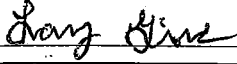
You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

I informed Stiles unit that the officers wasn't on their duty post like they were suppose to be. (The camera clearly shows such) H-wing Rover was not on her duty post because of said fact she could not render aid while I was under attack. I don't know said Rover name Furthermore the (H-wing) Pickly officer an off unit officer by the name Jackson. He was ignoring me while I was in H-wing one section. The attack had started and ended before he even notice it. Jack fail to pay attention to the surrounding wings because of his negligent he failed to render aid. An (I.C.S wasn't) call until the Rover returned. (Half-hour) later to swap Jackson out from the pickly. Such should have never happen in which would have never happen if Jackson wouldn't have refuse to let me off of one section H-wing. when I did in fact inform him that I was an (SSI) at work I'm asking that the video be saved and the pictures of my many wounds. I ask that said video from the incident be saved when I turn in my step one. The video is evidence that both officers was negligent. even after the attack I tried to inform Jackson but still he ignored me. No matter how hard I beated on the (window) I suffer greatly because of it. Please Review

C.C. FILE:

Offender Signature:



Date:

5-5-20

Grievance Response:

Step 1 addressed your concerns. No further action warranted.

Signature Authority:



Date:

5/15/20

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY****Initial Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

LARRY Donnell Gibbs #206645  
Gib Lewis Unit  
777 f.m. 3497  
Woodville Tx 75940

CLERK, U.S. DISTRICT COURT  
**RECEIVED**

SEP 24 2021

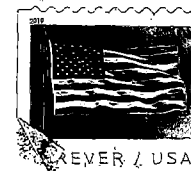
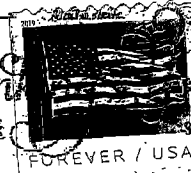
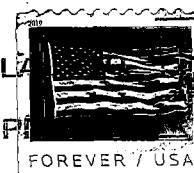
EASTERN DISTRICT OF TEXAS  
BEAUMONT, TEXAS

United States District Court  
U.S. Eastern District / Beaumont Division  
300 Willow Street, suite 104  
Beaumont Tx 77701

77701-221729

SHREVEPORT LA

22 SEP 2021



(Legal mail)